

UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA ENTERED **AMENDED JUDGMENT IN A CRIMINAL CASE**

ON DOCKET

(For Offenses Committed On or After November 1, 1987)

v

FEB 21 2003

Case Number CR02-5719RBL

ROBERT R. KEPPEL

BY DEPUTY

FILED
 RECEIVED
 LODGED
 FEB 20 2003
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON AT TACOMA
 BY DEPUTY

Date of Original Judgment: January 31, 2003

Michelle R. Burrows

Defendant's Attorney

(or Date of Last Amended Judgment)

Reason for Amendment:

Correction of Sentence on Remand (Fed R Crim P 35(a))

Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U S C § 3582(c)(1))

Reduction of Sentence for Changed Circumstances (Fed R Crim P 35(b))

Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U S C § 3582(c)(2))

Correction of Sentence by Sentencing Court (Fed R Crim P 35(c))

Direct Motion to District Court Pursuant to 28 U S C § 2255,

X Correction of Sentence for Clerical Mistake (Fed R Crim P 36)

18 U S C § 3559(c)(7), or Modification of Restitution Order

THE DEFENDANT:

X pleaded guilty to the Information on August 8, 2002

pleaded guilty nolo contendere to count(s) _____
 which was accepted by the court

was found guilty on count _____
 after a plea of not guilty

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U S C §1832(a)(2), and § 2	Theft of Trade Secrets	October 17, 2001	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s)

Counts _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc Sec No 544-04-6511

Annette L. Hayes
 Assistant United States Attorney

Defendant's Date of Birth 05/11/75

January 31, 2003

Defendant's USM No 32342-086

Date of Imposition of Sentence

Defendant's Residence Address

4321 S. Terlyn Court

Portland, OR 97221

Signature of Judicial Officer

Defendant's Mailing Address

Sar

THE HONORABLE RONALD B. LEIGHTON
United States District Judge

Name & Title of Judicial Officer

February 20, 2003

Date

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Defendant. ROBERT R. KEPPEL
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Judgment--Page 3 of 7**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
three (3) years

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons

The defendant shall not commit another federal, state, or local crime

The defendant shall not illegally possess a controlled substance

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

X The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse (Check if applicable.)

X The defendant shall not possess a firearm as defined in 18 U S C § 921. (Check if applicable)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below):

SEE ATTACHED PAGE FOR ADDITIONAL CONDITIONS OF SUPERVISION**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer,
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month,
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer,
- 4) the defendant shall support his or her dependents and meet other family responsibilities,
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons,
- 6) the defendant shall notify the probation officer 10 days prior to any change in residence or employment,
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician,
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered,
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer,
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer,
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer,
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court,
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement

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ADDITIONAL SUPERVISED RELEASE TERMS

- 1 The defendant shall be prohibited from possessing a firearm or destructive device as defined in 18 U S C § 921
- 2 The defendant shall submit to mandatory drug testing pursuant to 18 U S C § 3563(a)(5) and 18 U S C § 3583(d) YES ____ NO X
- 3 The defendant shall submit to a search of his person, residence, office, property, storage unit or vehicle conducted in a reasonable manner and at a reasonable time by the U S Probation Office
- 4 The defendant shall participate in a mental health program, as directed and approved by the U S Probation Office, which includes compliance with psychiatric counseling, psychological counseling, and or the use of medications prescribed
- 5 Restitution ordered by the Court is due immediately Any unpaid amount is to be paid during the period of supervision as directed by the U S Probation Office Interest on the restitution shall be waived
- 6 The defendant shall provide his probation officer with access to any requested financial information, including authorization to conduct credit checks and obtain copies of defendant's Federal Income Tax Returns
- 7 The defendant shall allow the U S. Probation Office to inspect any personal computer owned or operated by defendant
- 8 The defendant shall notify his probation officer of all computer software owned or operated by defendant at the commencement of supervision, and report any additional software purchase, acquisition, or use during the course of supervision
- 9 The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the U S Probation Office
- 10 Defendant's employment shall be approved in advance by the U S Probation Office.

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS:	\$100 00	\$ -0-	

____ If applicable, restitution amount ordered pursuant to plea agreement \$ _____

FINE

X The Court finds that the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____

RESTITUTION

____ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case will be entered after such determination

X The defendant shall make restitution to the following payees in the amounts listed below

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Microsoft Corporation One Microsoft Way Building 8 - Room 2062 Redmond, WA 98052	\$ _____	\$ _____	
Totals:	\$ _____	\$ 500,000 00 with a credit of \$200,000 00 for the value of the forfeited property	

INTEREST ON FINES AND RESTITUTION

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U S C § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U S C § 3612(g).

____ The court has determined that the defendant does not have the ability to pay interest on any fine and/or restitution and it is ordered that

X The interest requirement is waived
____ The interest requirement is modified as follows

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order (1) assessment; (2) restitution, (3) fine principal; (4) cost of prosecution, (5) interest; (6) penalties

Payment of the total fine and other criminal monetary penalties shall be due as follows

- A XX in full immediately, or
- B \$ immediately, balance due (in accordance with C, D, or E); or
- C not later than , or
- D in installments to commence day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U S probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E in (*e g., equal, weekly, monthly, quarterly*) installments of \$ over a period of year(s) to commence day(s) after the date of this judgment

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed

Special instructions regarding the payment of criminal monetary penalties.

XX MAKE CHECK(S) FOR ALL CRIMINAL MONETARY PENALTIES, INCLUDING SPECIAL ASSESSMENTS, FINES, AND RESTITUTION, PAYABLE TO

United States District Court Clerk, Western District of Washington For restitution payments, the Court is to forward money received to Microsoft Corporation (name of party[ies] receiving restitution) See address on page 5 of this judgment

 The defendant shall pay the cost of prosecution

X The defendant shall forfeit the defendant's interest in the following property to the United States

See page 7 of this Judgment

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States Attorney

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FORFEITURE

1. \$12,552.77 in U S. FUNDS, more or less, from US Bank, Account 153607353031 in the name of Keen Interactive Business,
2. \$1,062.12 in U.S. FUNDS, more or less, from US Bank, account 153591054652 in the name of Robert Keppel,
3. \$1,570 16 from US Bank, more or less account 153604461670 in the name of Robert Keppel,
4. \$41,785 93 from US BANK more or less, account 153691259540 in the name of Cheat Sheets,
5. 2001 LEXUS RX300, VIN # JTJHF10U910197713,
6. 1997 FERRARI 355 SPIDER CONVERTIBLE, VIN # ZFFXR48A0V0107499

car

United States District Court
for the
Western District of Washington
February 21, 2003

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:02-cr-05719

True and correct copies of the attached were mailed by the clerk to the following

USPO - Tacoma
US PROBATION OFFICE
ROOM 1310
1717 PACIFIC AVE
TACOMA, WA 98402-3231
FAX 1-253-593-6378

PTS - Tacoma
PRETRIAL SERVICES
1717 PACIFIC AVE
TACOMA, WA 98402
FAX 1-253-593-6435

Michelle R Burrows, Esq.
KOHLE & BURROWS
STE 203
618 NW GLISAN
PORTLAND, OR 97209

Annette L Hayes, Esq.
U S ATTORNEY'S OFFICE
STE 5100
601 UNION ST
SEATTLE, WA 98101-3903
FAX 553-2502

6 cc to USMO

Fin'l